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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/622,257	01/02/00	COUTOS-THEVENOT	P 0061/00091

RICHARD WIENER
POLLOCK VANDE SANDE & AMERNICK
PO BOX 19088
WASHINGTON DC 20036-3425

HM12/0928

EXAMINER

IBRAHIM, M

ART UNIT	PAPER NUMBER
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1638

DATE MAILED: 09/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/622, 257	01/02/01	Pierre Coutos-Thevenot et al	0061/00090

EXAMINER	
Medina A. Ibrahim	
ART UNIT	PAPER NUMBER
1638	12

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application


Commissioner of Patents

The communication filed on **08/15/01** is not fully responsive to the communication mailed **06/15/01** for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules or CRF Diskette Problem Report.

Since the response appears to be **bona fide**, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Medina A. Ibrahim, Art Unit 1638, whose telephone number is 306-5822

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.


PHUONG T. BUI
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
 - ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
 - ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
 - ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
 - ☐ 5. The computer readable form that has been filed with this application has been found to be damaged
- computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
 - ☐ 7. Other: _____

Applicant Must Provide:

- ☒ ~~An initial~~ or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ ~~An initial~~ or substitute paper copy of the "Sequence Listing" as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

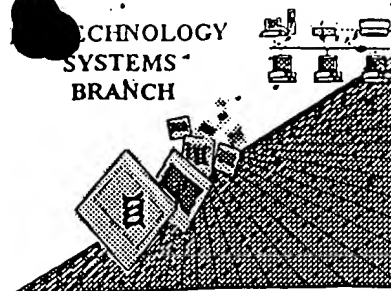
Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

M. Ibrahim

RAW SEQUENCE LISTING ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/622,257
Source: OIP E
Date Processed by STIC: 08/29/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

Raw Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

SERIAL NUMBER: 09/622 257

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 Wrapped Nucleics
 Wrapped Aminos
The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 Invalid Line Length
The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3 Misaligned Amino
 Numbering
The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4 Non-ASCII
The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5 Variable Length
Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6 PatentIn 2.0
 "bug"
A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7 Skipped Sequences
 (OLD RULES)
Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION: SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped

Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8 Skipped Sequences
 (NEW RULES)
Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence.
<210> sequence id number
<400> sequence id number
000
- 9 Use of n's or Xaa's
 (NEW RULES)
Use of n's and/or Xaa's have been detected in the Sequence Listing.
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10 Invalid <213>
 Response
Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
- 11 Use of <220>
Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses.
Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12 PatentIn 2.0
 "bug"
Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13 Misuse of n
n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.

Re-run

OIPE

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/622,257

DATE: 08/28/2001

TIME: 11:50:07

Input Set : A:\SEQ2.ST25.txt

Output Set: N:\CRF3\08282001\I622257.raw

3 <110> APPLICANT: Champagne Moet & Chandon
5 Coutos-Thevenot, Pierre; Hain, Rudiger; Schreier, Peter-Helmut;
6 Boulay, Michel; Esnault, Robert
8 <120> TITLE OF INVENTION: NUCLEIC ACID COMPRISING THE SEQUENCE OF A STRESS-INDUCIBLE
9 PROMOTER AND A SEQUENCE OF A GENE ENCODING STILBENE SYNTHETASE.
11 <130> FILE REFERENCE: 20061/0091
13 <140> CURRENT APPLICATION NUMBER: US 09/622,257
15 <141> CURRENT FILING DATE: 2000-08-14
17 <160> NUMBER OF SEQ ID NOS: 3
19 <170> SOFTWARE: PatentIn version 3.0
21 <210> SEQ ID NO: 1
23 <211> LENGTH: 1392
25 <212> TYPE: DNA
27 <213> ORGANISM: Medicago sativa
29 <400> SEQUENCE: 1
31 gaattcttca aaaaaaaagt tgcccttgag aaactaataa gttaataaac taagacctct 60
33 aaaaaaaaag ttaataaaact, aatatgaata ttctctaaac aaaaaataaa actaagaaga 120
35 atatatatttg cttatttacc agaaaaatac ttgtgcttagt caaaagaaga agaattattgt 180
37 gaattaattt gatactgatg atttttaaag ctgtagatat ttacgtattt agttaaaaaa 240
39 atacaattat tatatattta attggtgtgt ctattcaagt gtttaactta agttgaggtt 300
41 tattcttatg ttactaagtt ggagtggaga agaagactat ttgcttgagg ggaggaacgc 360
43 ccagtagaat gtgttattat tttttatttt ttgttaagga gtagagtgtg ttatgttgct 420
45 tgaataattt tttttgtag gataatgtat tagacaaaata aatttggaac cacgacctg 480
47 tcaaagagta cacggtaaag ggggtggtat acaaaagagt gcgtcgctct attcttcagg 540
49 tcatttggtt tgctacagtt taggaaattt gggaggaaag aaataacaga ctgtataacg 600
51 tcaaagaatg ctcggttatt caggtggtag ataagattaa gtttcttgct tttgcatggg 660
53 tgaaggcaaa gtttgcttct cttccattca attaccatgg gtggcggctt agtccgttta 720
55 ccatactgga cataggctaa gagtttttct tttctcgttt ttccattaca agttctttat 780
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59 ttttgatttg gtaatatatt tcaatttaac ctcttaaaaa aaatcagga aaagaaaaag 900
61 ataaaggtcg gaagtgttac ctgattataa aataaatgat taaattgaaa ataaagataa 960
63 ataactaaaa tgttttctat aattaagtta agagatgaaa tatgtaattt tcccaattat 1020
65 atattatgta agtttttatt tattttatat acgttggttt gctttgaaat ttgagtggtc 1080
67 ttggaggaga gaaaaacaaa agagaaaaga aaaattaata gtagatgcaa taattttgtt 1140
69 agtccaaata ataatatagt tttctttaaa aataatatca tccaaactca tacattaaaa 1200
71 atattattca aatttatgtc acgtcacaaat gagaaaaaat ggccaacga ccttgattta 1260
73 cacatcatcg tcatcatcat cttaagtcta aacaatacat cttcttttcc tataaatata 1320
75 agactcaact ccactcataa atcacacagg caaacaatta acttcttaat agtttggtat 1380
77 ttcacacatt ag 1392
80 <210> SEQ ID NO: 2
82 <211> LENGTH: 1805
84 <212> TYPE: DNA
86 <213> ORGANISM: Vinifera
88 <400> SEQUENCE: 2
90 gatccggctt caattgagga aattagaac gctcaacgtg ccaagggctc ggccaccatc 60
92 ctagccattg gcacagctac tcccgaccac tgtgtctacc agtctgatta tgctgattac 120
94 tatttcagag tcaactaagag cgagcacatg actgagttga agaagaagtt caatcgcata 180

Does Not Comply
Corrected Diskette Needed
See page 2 of 5

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/622,257

DATE: 08/28/2001
TIME: 11:50:07

Input Set : A:\SEQ2.ST25.txt
Output Set: N:\CRF3\08282001\I622257.raw

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96 tgtaagtata tatattcatg cattaattct tacattcaca acatttctat acatatacga 240
98 gtgtgctatt aagtgagggt cactccaag tgaatgaatg tttcaagctt agagaatagc 300
100 ttttagctaa attacttttag gaaacttgaa aatcatttta catcagtaac cgatattcct 360
102 ttcatttgat tgtaagggct tgaagagctg ttctttgaat catgtagcat tgctagctat 420
104 aattaagaat aaccttttat aattttctca atgttaaagtg catgttgatc atcttcaaga 480
106 atatactata tgactagtcg ttggaaaact aatgtgttca tcttatttct tttacagggt 540
108 gacaaatcaa tgatcaagaa gcgttacatt catttgaccg aagaaatgct tgaggagcac 600
110 ccaaacattg gtgcttatat ggcctccatct ctcaacatta cgccaagaga ttatcactgc 660
112 tgaggtagct aaacttggtg aagaagcagc attgaaggct cttaaagaat ggggtcaacc 720
114 aaagtccaag atcaccattt cttgtatttt gtacaacctc cgggtgtagaa atgcccgggtg 780
116 cagattacaa actcgtatct ctttaggccc ttgaaacatc gggttagaagg gtgatcttgt 840
118 accatcaagg ttgctatgca ggtggaactg tccctcgaac tgctaaggat cttgcagaaa 900
120 ataacgcagg agcacgagtt cttgtggtgt gctctgagat cactgttgtt acatttcgtg 960
122 ggccttccga agatgctttg gactcttttag ttagggtcaag ccttttttgg tgatgggtca 1020
124 gcagctgtga ttgttggtatc agatccagat gtctccattg aacgacctct cttccaactt 1080
126 gtttcagcag caaaaacgtt tattcctaatt tcagcagggtg ctattgcggg taacttacgt 1140
128 gaggtgggac tcacctttca cttgtggcct aatgtgccta ctttgatttc cgagaacata 1200
130 gagaaatgct tgaatcaggc ttttgacca cttgggtatta gcgattggaa ctcgttattt 1260
132 tggattgctc accctgggtg ccttgcaatt cttgatgcag ttgaagcaaa actcaattta 1320
134 gagaaaaaga aacttgaagc aacaaggcat gtgttaagtg agtatggtaa catgtctagt 1380
136 gcatgtgtct ttgtttattt tggatgagat gagaaagaaa tccctaaagg gggaaaaagc 1440
138 tatccacagg tgacggattg gattgggggt actattcggg tttggggccag gcttgaccat 1500
140 tgagaccgtt gtgctgcata gcgttcctat ggttacaaat tgagtggaaa acggttaagag 1560
142 aatgatata ggggacatgt cttattgtat tatcagagga ggtgctacga aagatatgta 1620
144 catgtatctt caaagttaat aattagtact cctaaatctt ttattcctat cctaaccattg 1680
146 agggattgta atttagtgat tgttgagggtg tgcagtcacg tcaggcaagt ggatgaaact 1740
148 gcaagtgcct gtcattctgt tateggggga tcatccatca cactggcggc cgctcgagca 1800
150 tgcatt 1805

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153 <210> SEQ ID NO: 3

155 <211> LENGTH: 3209

157 <212> TYPE: DNA

159 <213> ORGANISM: synthetic construct

161 <400> SEQUENCE: 3

Invalid 213 response. Acceptable responses are
"Artificial Sequence", "Unknown" or the name of
some specific species.

```

163 gaattcttca aaaaaaaagt tgcccttgag aaactaataa gttaataaac taagacctct 60
165 aaaaaaaaag ttaataaact aatatgaata ttctctaaac aaaaaataaa actaagaaga 120
167 atatatattt cttatttacc agaaaaatac tttgcttagt caaaagaaga agaattattgt 180
169 gaattaattt gatactgatg atttttaaag ctgtagatat ttacgtattt agttaaaaaa 240
171 atacaattat tatatatatta attggtgtgt ctattcaagt gttaactta agttgagggt 300
173 tattcttatg ttactaagtt ggagtggaga agaagactat ttgcttggga ggaggaacgc 360
175 ccagtagaat gtgttattat tttttatttt tttgtaagga gtagagtgtg ttatgttgct 420
177 tgaataattt tttttttag gataatgtat tagacaaata aatttggaaa cagaccctg 480
179 tcaaagagta cacggtaaag ggggtggtat acaaaagagt gcgtcgctct attcttcagg 540
181 tcatttggtt tgctacagtt taggaaattt gggaggaaag aaataacaga ctgtataacg 600
183 tcaaagaatg ctcggttatt cagggtgtag ataagattaa gtttcttgct tttgcattgg 660
185 tgaaggcaaa gtttgcttct cttccattca attaccatgg gtggcggtt agtcogttta 720
187 ccatactgga cataggtctaa gagtttttct tttctcgttt ttccattaca agttctttat 780
189 gtaaatactg ttttgacttt ggtgttcttc ccttagtaca ccttggtgcta ggaaggacta 840
191 ttttgatttg gtaatatatt tcattttaac ctcttaaaaa aaaatcagga aaagaaaaag 900
193 ataaaggctg gaagtgttac ctgattataa aataaatgat taaattgaaa ataaagataa 960

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RAW SEQUENCE LISTING

DATE: 08/28/2001

PATENT APPLICATION: US/09/622,257

TIME: 11:50:07

Input Set : A:\SEQ2.ST25.txt

Output Set: N:\CRF3\08282001\I622257.raw

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197	atattatgta	agtttttatt	tattttatat	acgttggttt	gctttgaaat	ttgagtggtc	1080
199	ttggaggaga	gaaaaacaaa	agagaaaaga	aaaattaata	gtagatgcaa	taattttggt	1140
201	agtccaaata	ataatatagt	tttctttaaa	aataatatca	tccaaactca	tacattaaaa	1200
203	atattattca	aatttatgtc	acgtcacaaat	gagaaaaaat	ggcccaacga	ccttgattta	1260
205	cacatcatcg	tcatcatcat	ctaaagtcta	aacaatacat	cttcttttcc	tataaataca	1320
207	agactcaact	ccactcataa	atcacacagg	caaacaatta	acttcttaat	agtttggtat	1380
209	ttcacacatt	agggccagat	ggacgatccg	gcttcaattg	aggaaattag	aaacgctcaa	1440
211	cgtgcccaagg	gtccggccac	catcctagcc	attggcacag	ctactcccga	ccactgtgtc	1500
213	taccagtcgt	attatgctga	ttactatttc	agagtcacta	agagcgagca	catgactgag	1560
215	ttgaagaaga	agttcaatcg	catatgtaag	tatatatatt	catgcattaa	ttcttacatt	1620
217	cacaacattt	ctatacatat	acgagtgtgc	tattaagtga	gggtcacctc	caagtgaatg	1680
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223	gaatcatgta	gcattgctag	ctataattaa	gaataacctt	ttataatttc	ttcaatgtta	1860
225	aatgcatggt	gatcatcttc	aagaatatac	tatatgacta	gtcgttgga	aactaatgtg	1920
227	ttcatcttat	ttcttttaca	gggtgacaaa	tcaatgatca	agaagcgta	cattcatttg	1980
229	accgaagaaa	tgcttgagga	gcacccaaac	attgggtgct	atatggctcc	atctctcaac	2040
231	attacgccaa	gagattatca	ctgctgaggt	acctaactt	ggtaaagaag	cagcattgaa	2100
233	ggctcttaaa	gaatgggggc	aaccaaagtc	caagatcacc	cattcttgta	ttttgtacaa	2160
235	cctccggtgt	agaaatgccc	ggtgcagatt	acaaactcgc	taatctctta	ggccttgaaa	2220
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259	cggttttggg	coaggcttga	ccattgagac	cgttggtgctg	catagcgttc	ctatgggttac	2940
261	aaattgagtg	gaaaacggta	agagaaatga	tataggggac	atgtcttatt	gtattatcag	3000
263	aggaggtgct	acgaaagata	tgtacatgta	tcttcaaagt	taataattag	tactcctaaa	3060
265	tctttttatc	ctatcctaac	attgagggat	tgtaatttag	tgattgttgg	agggtgcagt	3120
267	cacgtcaggc	aagtggatga	aactgcaagt	gcttgctcatt	ctgttatcgg	gggatcatcc	3180
269	atcacactgg	cggccgctcg	agcatgcat				3209

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/622,257

DATE: 08/28/2001

TIME: 11:50:08

Input Set : A:\SEQ2.ST25.txt

Output Set: N:\CRF3\08282001\I622257.raw